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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,555	01/30/2004	Richard Brass	MS1-1764US	5869
22801 7590 12/28/2006 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		12/28/2006	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/28/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/769,555

Applicant(s)

BRASS ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6 289 278 B1 to Endo et al ("Endo").

Regarding claims 1, 2, 4, 8, 9, 15, and 20, Endo teaches a navigation system/apparatus and process (method) for providing navigation information comprising: an on-dash display means (115; fig. 1); a processor (computation means 201 within item 114) coupled to the display (col. 7, lines 36 – 61 at least); a vehicle position determination module (209) coupled to the processor (see fig. 8) and configured to track position of a first vehicle (2000) and to update vehicle position

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information as the first vehicle moves (col. 8, lines 19 – 26 at least); and a destination module coupled to the processor and configured to determine a desired destination for the first vehicle (col. 7, lines 52 – 55), wherein the processor is configured to accept information from the position determination module and the destination module (item 209 is fed to item 201; thus, the former accepting position information from the latter) and to derive maneuvering instructions (speed and turning angle) therefrom (note blocks 301 and 302 are part of block 246 from which item 201 derives instructions), wherein the display is configured to adapt the maneuvering instructions to provide an image (picked up by item 102) of a ghost (target or peripheral) vehicle (indicated by mark 2001) and to adapt the image of the ghost vehicle to instruct a driver of the first vehicle in accordance with the maneuvering instructions (col. 2, lines 18 – 32; col. col. 3, lines 25 – 52 and col. 4, lines 20 – 67 at least; see also figs. 20 – 22 for the illustration of the 'ghost' vehicle 2001 and the 'first' vehicle 2000). Endo further teaches geo-location processor means (207) for coordinating destination data with current positional data change (derived from GPS by way of item 209) responsive to movement of the vehicle (col. 8, lines 15 – 24 at least).

Regarding claims 3 and 11, Endo further teaches a communication system (210) configured to provide current traffic data (col. 8, lines 27 – 33), adapting the display based upon braking (when controlled by item 108), signaling and executing a turn (col. 11, line 66 – col. 12, line 39 at least), speeding up/slowing down (by way of item 103), collision avoidance maneuvers (col. 7, lines 18 – 35).

Regarding claims 5, 13, and 17, Endo further teaches a user-controlled interface (113 in fig. 1; 205 in fig. 8) that facilitates operation of the system/process (col. 1, lines 44-46; col. 8, lines 5-8 at least).

Regarding claims 6, 14 and 18, Endo teaches GPS technology which processes data signals (sources) adapted to present conditions (as at least noted in fig. 8 and col. 8, lines 9 – 26).

Regarding claims 7, 10, 12, 16, and 19, Endo further teaches a communications system (FM broadcasting or beacon transmitter) to capture signals indicative of traffic conditions and hazards and a sensing module (sensors 102 and 206 – 209 at least) configured to capture environmental data and/or data relevant to vehicular (first vehicle and ghost vehicle) operational data, maneuver consistent with the first vehicle converging on the destination (overall, note col. 7, lines 40 – 57 and col. 8, lines 9 – 36 at least).


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As per attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yonel Beaulieu
Primary Examiner
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